

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Private Detective, Private Alarm, Private  
5 Security, and Locksmith Act of 2004 is amended by changing  
6 Sections 10-25, 35-30, and 40-10 as follows:

7 (225 ILCS 447/10-25)

8 (Section scheduled to be repealed on January 1, 2014)

9 Sec. 10-25. Issuance of license; renewal; fees.

10 (a) The Department shall, upon the applicant's  
11 satisfactory completion of the requirements set forth in this  
12 Act and upon receipt of the fee, issue the license indicating  
13 the name and business location of the licensee and the date of  
14 expiration.

15 (b) An applicant may, upon satisfactory completion of the  
16 requirements set forth in this Act and upon receipt of fees  
17 related to the application and testing for licensure, elect to  
18 defer the issuance of the applicant's initial license for a  
19 period not longer than 6 years. An applicant who fails to  
20 request issuance of his or her initial license or agency  
21 license and to remit the fees required for that license within  
22 6 years shall be required to resubmit an application together  
23 with all required fees.

24 (c) The expiration date, renewal period, and conditions for  
25 renewal and restoration of each license, permanent employee  
26 registration card, and firearm authorization card shall be set  
27 by rule. The holder may renew the license, permanent employee  
28 registration card, or firearm authorization card during the 30  
29 days preceding its expiration by paying the required fee and by  
30 meeting conditions that the Department may specify. The  
31 Department may resubmit the fingerprints of an applicant for  
32 renewal or restoration to the Department of State Police for

1 the purpose of an updated criminal history check, which shall  
2 be performed subject to the provisions of this Act, at the time  
3 of renewal or restoration. The license holder shall not be held  
4 responsible for any incurred cost of the updated criminal  
5 history check. Any license holder who notifies the Department  
6 on forms prescribed by the Department may place his or her  
7 license on inactive status for a period of not longer than 6  
8 years and shall, subject to the rules of the Department, be  
9 excused from payment of renewal fees until the license holder  
10 notifies the Department, in writing, of an intention to resume  
11 active status. Practice while on inactive status constitutes  
12 unlicensed practice. A non-renewed license that has lapsed for  
13 less than 6 years may be restored upon payment of the  
14 restoration fee and all lapsed renewal fees. A license that has  
15 lapsed for more than 6 years may be restored by paying the  
16 required restoration fee and all lapsed renewal fees and by  
17 providing evidence of competence to resume practice  
18 satisfactory to the Department and the Board, which may include  
19 passing a written examination. All restoration fees and lapsed  
20 renewal fees shall be waived for an applicant whose license  
21 lapsed while on active duty in the armed forces of the United  
22 States if application for restoration is made within 12 months  
23 after discharge from the service.

24 (d) Any permanent employee registration card expired for  
25 less than one year may be restored upon payment of lapsed  
26 renewal fees. Any permanent employee registration card expired  
27 for one year or more may be restored by making application to  
28 the Department and filing proof acceptable to the Department of  
29 the licensee's fitness to have the permanent employee  
30 registration card restored, including verification of  
31 fingerprint processing through the Department of State Police  
32 and Federal Bureau of Investigation and paying the restoration  
33 fee.

34 (Source: P.A. 93-438, eff. 8-5-03.)

1 (Section scheduled to be repealed on January 1, 2014)

2 Sec. 35-30. Employee requirements. All employees of a  
3 licensed agency, other than those exempted, shall apply for a  
4 permanent employee registration card. The holder of an agency  
5 license issued under this Act, known in this Section as  
6 "employer", may employ in the conduct of his or her business  
7 employees under the following provisions:

8 (1) No person shall be issued a permanent employee  
9 registration card who:

10 (A) Is younger than 18 years of age.

11 (B) Is younger than 21 years of age if the services  
12 will include being armed.

13 (C) Has been determined by the Department to be  
14 unfit by reason of conviction of an offense in this or  
15 another state, other than a traffic offense. The  
16 Department shall adopt rules for making those  
17 determinations that shall afford the applicant due  
18 process of law.

19 (D) Has had a license or permanent employee  
20 registration card denied, suspended, or revoked under  
21 this Act (i) within one year before the date the  
22 person's application for permanent employee  
23 registration card is received by the Department; and  
24 (ii) that refusal, denial, suspension, or revocation  
25 was based on any provision of this Act other than  
26 Section 40-50, item (6) or (8) of subsection (a) of  
27 Section 15-10, subsection (b) of Section 15-10, item  
28 (6) or (8) of subsection (a) of Section 20-10,  
29 subsection (b) of Section 20-10, item (6) or (8) of  
30 subsection (a) of Section 25-10, subsection (b) of  
31 Section 25-10, item (7) of subsection (a) of Section  
32 30-10, subsection (b) of Section 30-10, or Section  
33 10-40.

34 (E) Has been determined to be incompetent and is  
35 currently under a court order of guardianship or has  
36 been determined to be subject to involuntary or

1           judicial admission as provided in the Mental Health and  
2           Developmental Disabilities Code and is currently  
3           subject to a court order under those provisions. Has  
4           ~~been declared incompetent by any court of competent~~  
5           ~~jurisdiction by reason of mental disease or defect and~~  
6           ~~has not been restored.~~

7           (F) Has been dishonorably discharged from the  
8           armed services of the United States.

9           (2) No person may be employed by a private detective  
10          agency, private security contractor agency, private alarm  
11          contractor agency, or locksmith agency under this Section  
12          until he or she has executed and furnished to the employer,  
13          on forms furnished by the Department, a verified statement  
14          to be known as "Employee's Statement" setting forth:

15           (A) The person's full name, age, and residence  
16           address.

17           (B) The business or occupation engaged in for the 5  
18           years immediately before the date of the execution of  
19           the statement, the place where the business or  
20           occupation was engaged in, and the names of employers,  
21           if any.

22           (C) That the person has not had a license or  
23           employee registration denied, revoked, or suspended  
24           under this Act (i) within one year before the date the  
25           person's application for permanent employee  
26           registration card is received by the Department; and  
27           (ii) that refusal, denial, suspension, or revocation  
28           was based on any provision of this Act other than  
29           Section 40-50, item (6) or (8) of subsection (a) of  
30           Section 15-10, subsection (b) of Section 15-10, item  
31           (6) or (8) of subsection (a) of Section 20-10,  
32           subsection (b) of Section 20-10, item (6) or (8) of  
33           subsection (a) of Section 25-10, subsection (b) of  
34           Section 25-10, item (7) of subsection (a) of Section  
35           30-10, subsection (b) of Section 30-10, or Section  
36           10-40.

1 (D) Any conviction of a felony or misdemeanor.

2 (E) Any declaration of incompetence by a court of  
3 competent jurisdiction that has not been restored.

4 (F) Any dishonorable discharge from the armed  
5 services of the United States.

6 (G) Any other information as may be required by any  
7 rule of the Department to show the good character,  
8 competency, and integrity of the person executing the  
9 statement.

10 (c) Each applicant for a permanent employee registration  
11 card shall have his or her fingerprints submitted to the  
12 Department of State Police in an electronic format that  
13 complies with the form and manner for requesting and furnishing  
14 criminal history record information as prescribed by the  
15 Department of State Police. These fingerprints shall be checked  
16 against the Department of State Police and Federal Bureau of  
17 Investigation criminal history record databases now and  
18 hereafter filed. The Department of State Police shall charge  
19 applicants a fee for conducting the criminal history records  
20 check, which shall be deposited in the State Police Services  
21 Fund and shall not exceed the actual cost of the records check.  
22 The Department of State Police shall furnish, pursuant to  
23 positive identification, records of Illinois convictions to  
24 the Department. The Department may require applicants to pay a  
25 separate fingerprinting fee, either to the Department or  
26 directly to the vendor. The Department, in its discretion, may  
27 allow an applicant who does not have reasonable access to a  
28 designated vendor to provide his or her fingerprints in an  
29 alternative manner. The Department, in its discretion, may also  
30 use other procedures in performing or obtaining criminal  
31 background checks of applicants. Instead of submitting his or  
32 her fingerprints, an individual may submit proof that is  
33 satisfactory to the Department that an equivalent security  
34 clearance has been conducted. Also, an individual who has  
35 retired as a peace officer within 12 months of application may  
36 submit verification, on forms provided by the Department and

1 signed by his or her employer, of his or her previous full-time  
2 employment as a peace officer.

3 (d) The Department shall issue a permanent employee  
4 registration card, in a form the Department prescribes, to all  
5 qualified applicants. The holder of a permanent employee  
6 registration card shall carry the card at all times while  
7 actually engaged in the performance of the duties of his or her  
8 employment. Expiration and requirements for renewal of  
9 permanent employee registration cards shall be established by  
10 rule of the Department. Possession of a permanent employee  
11 registration card does not in any way imply that the holder of  
12 the card is employed by an agency unless the permanent employee  
13 registration card is accompanied by the employee  
14 identification card required by subsection (f) of this Section.

15 (e) Each employer shall maintain a record of each employee  
16 that is accessible to the duly authorized representatives of  
17 the Department. The record shall contain the following  
18 information:

19 (1) A photograph taken within 10 days of the date that  
20 the employee begins employment with the employer. The  
21 photograph shall be replaced with a current photograph  
22 every 3 calendar years.

23 (2) The Employee's Statement specified in subsection  
24 (b) of this Section.

25 (3) All correspondence or documents relating to the  
26 character and integrity of the employee received by the  
27 employer from any official source or law enforcement  
28 agency.

29 (4) In the case of former employees, the employee  
30 identification card of that person issued under subsection  
31 (f) of this Section. Each employee record shall duly note  
32 if the employee is employed in an armed capacity. Armed  
33 employee files shall contain a copy of an active firearm  
34 owner's identification card and a copy of an active firearm  
35 authorization card. Each employer shall maintain a record  
36 for each armed employee of each instance in which the

1 employee's weapon was discharged during the course of his  
2 or her professional duties or activities. The record shall  
3 be maintained on forms provided by the Department, a copy  
4 of which must be filed with the Department within 15 days  
5 of an instance. The record shall include the date and time  
6 of the occurrence, the circumstances involved in the  
7 occurrence, and any other information as the Department may  
8 require. Failure to provide this information to the  
9 Department or failure to maintain the record as a part of  
10 each armed employee's permanent file is grounds for  
11 disciplinary action. The Department, upon receipt of a  
12 report, shall have the authority to make any investigation  
13 it considers appropriate into any occurrence in which an  
14 employee's weapon was discharged and to take disciplinary  
15 action as may be appropriate.

16 (5) The Department may, by rule, prescribe further  
17 record requirements.

18 (f) Every employer shall furnish an employee  
19 identification card to each of his or her employees. This  
20 employee identification card shall contain a recent photograph  
21 of the employee, the employee's name, the name and agency  
22 license number of the employer, the employee's personal  
23 description, the signature of the employer, the signature of  
24 that employee, the date of issuance, and an employee  
25 identification card number.

26 (g) No employer may issue an employee identification card  
27 to any person who is not employed by the employer in accordance  
28 with this Section or falsely state or represent that a person  
29 is or has been in his or her employ. It is unlawful for an  
30 applicant for registered employment to file with the Department  
31 the fingerprints of a person other than himself or herself.

32 (h) Every employer shall obtain the identification card of  
33 every employee who terminates employment with him or her.

34 (i) Every employer shall maintain a separate roster of the  
35 names of all employees currently working in an armed capacity  
36 and submit the roster to the Department on request.

1 (j) No agency may employ any person to perform a licensed  
2 activity under this Act unless the person possesses a valid  
3 permanent employee registration card or a valid license under  
4 this Act, or is exempt pursuant to subsection (n).

5 (k) Notwithstanding the provisions of subsection (j), an  
6 agency may employ a person in a temporary capacity if all of  
7 the following conditions are met:

8 (1) The agency completes in its entirety and submits to  
9 the Department an application for a permanent employee  
10 registration card, including the required fingerprint  
11 receipt and fees.

12 (2) The agency has verification from the Department  
13 that the applicant has no record of any criminal conviction  
14 pursuant to the criminal history check conducted by the  
15 Department of State Police. The agency shall maintain the  
16 verification of the results of the Department of State  
17 Police criminal history check as part of the employee  
18 record as required under subsection (e) of this Section.

19 (3) The agency exercises due diligence to ensure that  
20 the person is qualified under the requirements of the Act  
21 to be issued a permanent employee registration card.

22 (4) The agency maintains a separate roster of the names  
23 of all employees whose applications are currently pending  
24 with the Department and submits the roster to the  
25 Department on a monthly basis. Rosters are to be maintained  
26 by the agency for a period of at least 24 months.

27 An agency may employ only a permanent employee applicant  
28 for which it either submitted a permanent employee application  
29 and all required forms and fees or it confirms with the  
30 Department that a permanent employee application and all  
31 required forms and fees have been submitted by another agency,  
32 licensee or the permanent employee and all other requirements  
33 of this Section are met.

34 The Department shall have the authority to revoke, without  
35 a hearing, the temporary authority of an individual to work  
36 upon receipt of Federal Bureau of Investigation fingerprint

1 data or a report of another official authority indicating a  
2 criminal conviction. If the Department has not received a  
3 temporary employee's Federal Bureau of Investigation  
4 fingerprint data within 120 days of the date the Department  
5 received the Department of State Police fingerprint data, the  
6 Department may, at its discretion, revoke the employee's  
7 temporary authority to work with 15 days written notice to the  
8 individual and the employing agency.

9 An agency may not employ a person in a temporary capacity  
10 if it knows or reasonably should have known that the person has  
11 been convicted of a crime under the laws of this State, has  
12 been convicted in another state of any crime that is a crime  
13 under the laws of this State, has been convicted of any crime  
14 in a federal court, or has been posted as an unapproved  
15 applicant by the Department. Notice by the Department to the  
16 agency, via certified mail, personal delivery, electronic  
17 mail, or posting on the Department's Internet site accessible  
18 to the agency that the person has been convicted of a crime  
19 shall be deemed constructive knowledge of the conviction on the  
20 part of the agency. The Department may adopt rules to implement  
21 this subsection (k).

22 (l) No person may be employed under this Section in any  
23 capacity if:

24 (1) the person, while so employed, is being paid by the  
25 United States or any political subdivision for the time so  
26 employed in addition to any payments he or she may receive  
27 from the employer; or

28 (2) the person wears any portion of his or her official  
29 uniform, emblem of authority, or equipment while so  
30 employed.

31 (m) If information is discovered affecting the  
32 registration of a person whose fingerprints were submitted  
33 under this Section, the Department shall so notify the agency  
34 that submitted the fingerprints on behalf of that person.

35 (n) Peace officers shall be exempt from the requirements of  
36 this Section relating to permanent employee registration

1 cards. The agency shall remain responsible for any peace  
2 officer employed under this exemption, regardless of whether  
3 the peace officer is compensated as an employee or as an  
4 independent contractor and as further defined by rule.

5 (o) Persons who have no access to confidential or security  
6 information and who otherwise do not provide traditional  
7 security services are exempt from employee registration.  
8 Examples of exempt employees include, but are not limited to,  
9 employees working in the capacity of ushers, directors, ticket  
10 takers, cashiers, drivers, and reception personnel.  
11 Confidential or security information is that which pertains to  
12 employee files, scheduling, client contracts, or technical  
13 security and alarm data.

14 (Source: P.A. 93-438, eff. 8-5-03.)

15 (225 ILCS 447/40-10)

16 (Section scheduled to be repealed on January 1, 2014)

17 Sec. 40-10. Disciplinary sanctions.

18 (a) The Department may deny issuance, refuse to renew, or  
19 restore or may reprimand, place on probation, suspend, or  
20 revoke any license, registration, permanent employee  
21 registration card, or firearm authorization card, and it may  
22 impose a fine not to exceed \$1,500 for a first violation and  
23 not to exceed \$5,000 for a second or subsequent violation for  
24 any of the following:

25 (1) Fraud or deception in obtaining or renewing of a  
26 license or registration.

27 (2) Professional incompetence as manifested by poor  
28 standards of service.

29 (3) Engaging in dishonorable, unethical, or  
30 unprofessional conduct of a character likely to deceive,  
31 defraud, or harm the public.

32 (4) Conviction in Illinois or another state of (i) any  
33 crime that is a felony under the laws of Illinois; a felony  
34 in a federal court; a misdemeanor, an essential element of  
35 which is dishonesty; or ~~directly~~ related to professional

1        practice; or (ii) any 2 or more violent offenses towards  
2        persons or property.

3            (5) Performing any services in a grossly negligent  
4        manner or permitting any of a licensee's employees to  
5        perform services in a grossly negligent manner, regardless  
6        of whether actual damage to the public is established.

7            (6) Continued practice, although the person has become  
8        unfit to practice due to any of the following:

9            (A) Physical illness, including, but not limited  
10        to, deterioration through the aging process or loss of  
11        motor skills that results in the inability to serve the  
12        public with reasonable judgment, skill, or safety.

13            (B) Mental disability demonstrated by the entry of  
14        an order or judgment by a court that a person is in  
15        need of mental treatment or is incompetent.

16            (C) Addiction to or dependency on alcohol or drugs  
17        that is likely to endanger the public. If the  
18        Department has reasonable cause to believe that a  
19        person is addicted to or dependent on alcohol or drugs  
20        that may endanger the public, the Department may  
21        require the person to undergo an examination to  
22        determine the extent of the addiction or dependency.

23            (7) Receiving, directly or indirectly, compensation  
24        for any services not rendered.

25            (8) Willfully deceiving or defrauding the public on a  
26        material matter.

27            (9) Failing to account for or remit any moneys or  
28        documents coming into the licensee's possession that  
29        belong to another person or entity.

30            (10) Discipline by another United States jurisdiction  
31        or foreign nation, if at least one of the grounds for the  
32        discipline is the same or substantially equivalent to those  
33        set forth in this Act.

34            (11) Giving differential treatment to a person that is  
35        to that person's detriment because of race, color, creed,  
36        sex, religion, or national origin.

1 (12) Engaging in false or misleading advertising.

2 (13) Aiding, assisting, or willingly permitting  
3 another person to violate this Act or rules promulgated  
4 under it.

5 (14) Performing and charging for services without  
6 authorization to do so from the person or entity serviced.

7 (15) Directly or indirectly offering or accepting any  
8 benefit to or from any employee, agent, or fiduciary  
9 without the consent of the latter's employer or principal  
10 with intent to or the understanding that this action will  
11 influence his or her conduct in relation to his or her  
12 employer's or principal's affairs.

13 (16) Violation of any disciplinary order imposed on a  
14 licensee by the Department.

15 (17) Failing to comply with any provision of this Act  
16 or rule promulgated under it.

17 (18) Conducting an agency without a valid license.

18 (19) Revealing confidential information, except as  
19 required by law, including but not limited to information  
20 available under Section 2-123 of the Illinois Vehicle Code.

21 (20) Failing to make available to the Department, upon  
22 request, any books, records, or forms required by this Act.

23 (21) Failing, within 30 days, to respond to a written  
24 request for information from the Department.

25 (22) Failing to provide employment information or  
26 experience information required by the Department  
27 regarding an applicant for licensure.

28 (23) Failing to make available to the Department at the  
29 time of the request any indicia of licensure or  
30 registration issued under this Act.

31 (24) Purporting to be a licensee-in-charge of an agency  
32 without active participation in the agency.

33 (b) The Department shall seek to be consistent in the  
34 application of disciplinary sanctions.

35 (Source: P.A. 93-438, eff. 8-5-03.)